

TITLE 4: BUSINESS AND SPECIAL LICENSES, REGULATIONS

DIVISION 2: SPECIAL LICENSES AND REGULATIONS

Chapter 4: SALE OR TRADE OF PERSONAL PROPERTY (SWAP MEET).

Sections:

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42.041 To Whom Applicable.

Every person who attends a public meeting, assembly or gathering outside the incorporated areas of this County for the purpose of selling, trading, or offering for sale or trade any identifiable, tangible personal property shall, prior to the time that he offers any property by him to the public for sale or exchange, submit a list of all of the identifiable, tangible personal property proposed to be sold or traded together with the other information as set forth in the following section to the owner, manager or proprietor of said premises. Any person who pays a fee for the privilege of selling or trading personal property or who displays any personal property to the public at a "swap meet" or location where personal property is generally sold or traded other than by the licensed owner, lessee, shall be deemed to have attended a public meeting, assembly or gathering for the purpose of selling or trading all identifiable, tangible personal property in his immediate possession, even though some or all of said identifiable, tangible personal property has not been included in the list or property or has not (yet) been offered for sale or exchange.

Amended Ordinance #1125 (1963);

42.042 Notice Required.

The list of property referred to in the previous section shall contain the following: (a) the name, address, and description of the person who proposes to sell or trade identifiable, tangible personal property; (b) an accurate enumeration and description of all of said identifiable, tangible personal property, the description to include the serial number or other identifying mark(s); (c) a certification by the proposed seller or trader that all the information in the form is accurate; that he is the lawful and legal owner of the listed property, and that such property is free of liens and encumbrances.

Upon demand by any peace officer, the owner, manager or proprietor shall deliver him the list of property to compare with the property being sold or traded unless said list is delivered to a peace officer, the owner, manager or proprietor shall deliver said list to the Sheriff of San Bernardino County within twenty-four (24) hours after its submission to the owner, manager or proprietor.

Amended Ordinance #1125 (1963);

42.043 Definition.

"Identifiable, tangible personal property" as used in this chapter means tangible personal property which bears a serial number or personalized initials or inscription and shall include tangible personal property which, at the time it is offered for sale or exchange, bears evidence of having had a serial number or personalized initials or inscription. Sections 42.041 to 42.045 of this code shall not apply to retail or wholesale business firms operating at permanent locations in San Bernardino County, whose principal business is the sale or resale by the firms themselves of personal property directly to the consumer or retailer.

Amended Ordinance #1125 (1963);

42.044 Emergency Measure.

The Board of Supervisors finds that stolen property has been, and is presently being, sold or traded at public gatherings known as "swap meets"; that innocent purchasers are thereby defrauded; that the opportunity to dispose of stolen property with little risk of detection encourages crime and juvenile delinquency; that the Sheriff of San Bernardino County is unable to control the sale of stolen property or to recover it for its owners without a means of control such as that set forth in this chapter; that the immediate preservation of the public peace and safety required this chapter to be passed as an emergency measure.

Amended Ordinance #1125 (1963);

42.045 Violation.

Any person violating any of the provisions of Sections 42.041 to 42.044 inclusive of this chapter shall be guilty of a misdemeanor. No person shall be deemed to have substantially complied with the provisions of this chapter if (a)

he fails to list all identifiable, tangible personal property proposed to be sold or traded; or (b) if he fails to list the correct serial number or identifying mark(s) of said property; or (c) he willfully gives false information on the list relating to the identity of himself or the property even though such information is not specifically required by this chapter.

Amended Ordinance #1125 (1963);